

multipurpose senior centers, means building a new facility, including the costs of land acquisition and architectural and engineering fees, or making modifications to or in connection with an existing facility which are in excess of double the square footage of the original facility and all physical improvements.

Department, means the Department of Health and Human Services.

Eligible organization, means a public or nonprofit private organization having the capacity to provide services under this part for older Hawaiian Natives.

Grantee, as used in this part, means an eligible organization that has received funds to provide services to older Hawaiians.

Hawaiian Native, as used in this part, means any individual any of whose ancestors were native of the area which consists of the Hawaiian Islands prior to 1778.

Means test, as used in the provision of services, means the use of an older Hawaiian Native's income or resources to deny or limit that person receipt of services under this part.

Older Hawaiian, means any individual, age 60 or over, who is an Hawaiian Native.

Project period, as used in § 1328.19 of this part, means the total time for which a project is approved for support, including any extensions.

Service area, as used in § 1328.9(b) and elsewhere in this part, means that geographic area approved by the Commissioner in which the grantee provides supportive and nutritional services to older Hawaiian Natives residing there.

§ 1328.5 Applicability of other regulations.

The following regulations in title 45 of the Code of Federal Regulations apply to all activities under this part:

- (a) Part 16-Procedures of the Departmental Grant Appeals Board;
- (b) Part 74-Administration of Grants;
- (c) Part 75-Informal Grant Appeals Procedures;
- (d) Part 80-Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of title VI of the Civil Rights Act of 1964;

- (e) Part 81-Practice and procedures for hearings under part 80;

- (f) Part 84-Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Benefits from Federal Financing Participation; and

- (g) Part 91-Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HHS.

§ 1328.7 Confidentiality and disclosure of information.

A grantee shall have confidentiality and disclosure procedures as follows:

- (a) The grantee shall have procedures to ensure that no information about an older Hawaiian Native or obtained from an older Hawaiian Native is disclosed in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal monitoring agencies.

- (b) A grantee is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552.

§ 1328.9 Contributions.

- (a) Each grantee shall:

- (1) Provide each older Hawaiian Native with a free and voluntary opportunity to contribute to the cost of the service;

- (2) Protect the privacy of each older Hawaiian Native with respect to his or her contribution;

- (3) Establish appropriate procedures to safeguard and account for all contributions;

- (4) Use all supportive services contributions to expand the services provided under this part; and

- (5) Use all nutrition services contributions only to expand services as provided under section 307(a)(13)(c)(ii) of the Act.

- (b) Each grantee may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the grantee shall consider the income ranges of older Hawaiian Natives in the service area and the grantee's other